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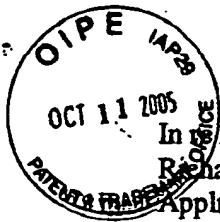
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EV595441605US

PATENT

Atty. Docket No.: 401-UTL-0 (18528.010)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Richard A. Pittner et al.

Appln. No.: 10/016,969

Filed: December 14, 2001

Title: PEPTIDE YY AND PEPTIDE YY  
AGONISTS FOR TREATMENT OF  
METABOLIC DISORDERS

Art Unit: 1646  
Examiner: Ruixiang Li

Confirm. No.: 7314

REQUEST FOR CONTINUED EXAMINATION UNDER 37 CFR 1.114

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed June 29, 2005, Applicants respectfully submit the following amendments and remarks in connection with the above-identified patent application.<sup>1</sup>

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this response.

Remarks begin on page 7 of this response.

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1. The Commissioner is hereby authorized to charge the Request for Continued Examination Fee of \$395.00, the 1-month extension of Time Fee of \$60.00, and the additional claims fee of \$1485.00 to Applicant's Deposit Account No. 010535. The Commissioner is hereby authorized to charge Applicant's Deposit Account for any underpayment or credit any overpayment that may occur during the pendency of this application. A Fee Transmittal (PTO/SB/17) (in duplicate) and a Request for Continued Examination Transmittal (PTO/SB/30) (in duplicate) are enclosed for this purpose.

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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service for "Express Mail Post Office to Addressee" service, Express Mail Label No. EV 595441605 US, in an envelope addressed to Mail Stop RCE, Commissioner for Patents, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

11 Oct 2005

Date of Deposit

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Signature of Person Mailing Paper

Dareen

Name of Person Mailing Paper

The Examiner has pointed to nothing in the cited references or in the art to suggest their combination. Even if combined, the Examiner has pointed to nothing to suggest the modification of the references needed to meet all of the limitations of the present claims. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 51 under 35 U.S.C. § 103(a).

**Conclusion**

In light of the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all objections and rejections set forth in the Final Office Action of June 29, 2005. Further, Applicants believe all claims presently under consideration to be in a condition for allowance and request issuance of a Notice of Allowance at the Examiner's earliest convenience.

Should the Examiner have any remaining questions regarding the subject invention or its patentability, Applicants encourage the Examiner to contact the undersigned to discuss any issues remaining.

Respectfully submitted,



Susan J. Myers Fitch, Ph.D.  
Registration No. 55,477

October 11, 2005

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PTO/SB/17 (12-04v2)  
Approved for use through 07/31/2006. OMB 0651-0032  
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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)  
1485.00

### Complete If Known

Application Number	10/016,969
Filing Date	December 14, 2001
First Named Inventor	Richard A. Pittner
Examiner Name	Ruixiang Li
Art Unit	1646
Attorney Docket No.	0401-UTL-0 (18528.010)

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 010535 Deposit Account Name: Amylin Pharmaceuticals

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments  
 under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
158-117	- 20 or HP =	41	x 25	= 1025	50	25
					200	100
					360	180
					Multiple Dependent Claims	
					Fee (\$)	Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

20-16 - 3 or HP = 4 x 100 = 400

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
		- 100 = / 50 = (round up to a whole number) x =		

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1 Month Extension of Time Fee

Fee Paid (\$)

60.00

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 55,477	Telephone 858-552-2200
Name (Print/Type)	Susan J. Myers Fitch, Ph.D.	Date	11 October 2005

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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